

**SHOREVIEW PLANNING COMMISSION MEETING
MINUTES
August 28, 2012**

CALL TO ORDER

Chair Solomonson called the meeting of the August 28, 2012 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Chair Solomonson; Commissioners, Ferrington, McCool, Proud, Schumer, Thompson and Wenner.

APPROVAL OF AGENDA

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to approve the August 28, 2012 agenda as submitted.

VOTE: Ayes - 7 Nays - 0

APPROVAL OF MINUTES

The following corrections were made:

Page 1: Under Roll Call, it should be noted that Commissioners Schumer and Wenner arrived late.

Page 3: The vote total should be 5 Ayes and 1 Nay.

MOTION: by Commissioner McCool, seconded by Commissioner Schumer to approve the July 24, 2012 Planning Commission minutes as amended.

VOTE: Ayes - 5 Nays - 0 Abstain - 2 (Ferrington, Wenner)

REPORT ON COUNCIL ACTIONS

Presentation by City Planner Kathleen Nordine

The City Council approved all the applications associated with the Development Stage Review PUD for Lakeview Terrace. The applicant has 60 days to submit a final Plat and Final Stage PUD.

OLD BUSINESS

VARIANCE /MINOR SUBDIVISION – EXTENSION

File No: 2425-11-18

Applicant: Alysa B. DeLange and Jessica Jimenez

Location: 5790 and 5784 Fairview

Presentation by Senior Planner Rob Warwick

This application for a variance and minor subdivision was reviewed and approved by the Planning Commission and City Council in August and September of 2011, for these two adjacent properties. The variance reduces the minimum 5-foot side setback for the existing driveway. The subdivision adjusts the common lot line between the two properties. The Council approved the minor subdivision in September 2011. However, the mortgage holder has not agreed to the boundary adjustment, and so the subdivision cannot yet be recorded with Ramsey County. The applicants have requested an extension of the approvals for one year in order to resolve the issue. The subdivision remedies existing encroachments, and no site alterations are proposed. The resulting parcels comply with the R1 District standards. With the boundary adjustment, the existing houses comply with the side setback requirement of 10 feet.

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to extend the variance approved for Alysa DeLange, 5790 Fairview Avenue reducing the required 5-foot side yard setback for an existing driveway to 1-foot from the new property line. Resolution 11-52 has been recorded at Ramsey County. Said extension is for a one-year period to August 28, 2013. Conditions attached to the variance approval shall remain in effect.

VOTE: Ayes - 7 Nays 0

NEW BUSINESS

SITE AND BUILDING PLAN REVIEW

File No: 2453-12-16

Applicant: TSI Incorporated / Loucks Associated

Location: 500 Cardigan Road

Presentation by City Planner Kathleen Nordine

The request is for approval of a proposed parking lot extension. This application is the first phase of an overall facility expansion for TSI. The TSI property is zoned I, Industrial. Surrounding land uses include R3 Multi-family residential to the south; R1 single-family residential to the east; railroad tracks to the north; and I, Industrial to the west. The minimum setback for parking is 20 feet from residential property. The expansion would provide 204 parking stalls for TSI. Access is from two curb cuts off Cardigan Road. An internal connection between the existing parking area and the new parking area will be provided. According to

Code, the minimum number of parking spaces required for TSI is 533; 551 stalls are proposed to meet the growing demand of the company. The proposed parking lot meets all minimum setback requirements. The City requires that 20% of the parking space have landscaped islands. That amount can be reduced to 10% with the use of Best Management Practices. TSI proposes 7% and believes that reducing parking by 16 spaces to achieve the 10% would compromise the parking needed by their growing company. An elongated center island is proposed as well as additional landscaping along the southern property line to provide screening for Shoreview Oaks Apartments.

The proposed storm water management system would be an underground infiltration basin to manage the rate and volume of runoff. Storm water from the basin would be discharged to an existing storm water City pipe at the southern end of the property. With the expanded parking, impervious surface will be at 78%, which is within the 80% minimum. The later building expansion could raise impervious surface to 84%, which will require a variance.

A number of residents expressed concern about storm water drainage. In the past, TSI enhanced the storm water pond, which, to Staff's knowledge resolved many issues.

The Environmental Quality Committee (EQC) has reviewed the plan and provided comment on storm water management, water quality and tree management.

Residents within 350 feet were notified of the proposal. Concerns expressed pertain to operation noise, lighting, alarms and snowplowing. The majority of concerns relate to storm water management and potential flooding of residential property. TSI held a neighborhood meeting on August 22nd.

Staff finds that the site plan for parking complies with City policies, zoning, storm water management and setback requirements. Staff does not believe there will be a negative impact and recommends the Planning Commission forward this proposal to the City Council for approval.

Commissioner Ferrington asked about space for the removal of snow. Ms. Nordine noted that TSI owns a vacant parcel across the street but deferred to the applicant for an answer. Commissioner Ferrington asked also if the roof runoff from the building expansion would be draining to the pond in the southeast corner. Ms. Nordine answered, yes, and that staff has determined that the pond has the capacity for that added drainage.

Commissioner McCool asked the reason the two applications are separate. The Commission is being asked to approve parking for a building plan that has not been reviewed, and that building plan may require a variance for impervious surface. Ms. Nordine explained that the reason is the construction schedule relating grading and parking.

Chair Solomonson asked if storm water drainage to the existing pond would be increased. Ms. Nordine explained that drainage to the pond will actually be reduced, as the runoff from the parking area will be channeled to the underground storm water basin. Chair Solomonson asked about the functioning of the pond and City pipe. Ms. Nordine stated that the pond has flooded in

large rain events. TSI made enhancements to the pond and to Staff's knowledge no problems occurred until 2011, when the rain event was so large that the system was inadequate.

Commissioner Proud asked if the existing storm water system is sufficient to accommodate this proposal. Ms. Nordine stated that the City Engineer and Public Works Director have reviewed and calculated the runoff and determined that the system is sufficient. Catch basins will channel the water to the underground basin where it is piped with existing infrastructure to a storm water pipe on the south side of the property.

Commissioner Ferrington asked if the drainage from the City pipe might flood the pond downstream and threaten surrounding residential property. Ms. Nordine stated that the City Engineer did review that portion of the system and determined that the system is sufficient.

Mr. Peter Coyle, Attorney for TSI, introduced Floyd Graebel, General Counsel; Paul Girard, Facilities Manager; and Chad Lockwood, Civil Engineer. He explained that the parking phase is ahead of the building expansion because of impending winter. TSI is mindful of the interconnectedness of drainage issues with the parking and building phases and will continue to work with staff to address drainage issues.

Commissioner Ferrington suggested that the use of pavers or a pervious surface for parking would eliminate exceeding the amount of impervious surface allowed. **Mr. Coyle** stated that it is TSI's preference to eliminate the need for a variance.

Chair Solomonson asked for an update of the neighborhood meeting that was held. **Mr. Paul Girard** stated that approximately a dozen neighbors attended the meeting. Parking, drainage and the building appearance were all discussed. Concerns expressed were about drainage, headlights, snow removal and lock key noise. Up to this time snow has been pushed to the location of the new proposed building expansion. It is anticipated that at first, some parking space can be used. As the company grows, it will have to be hauled off site.

Commissioner Thompson asked what was discussed with the neighbors regarding drainage. **Mr. Girard** stated that the underground catch basin was explained and how that would keep the southeast basin from overflowing.

Mr. Chad Lockwood, Lockwood Associates, Civil Engineer, stated that currently the soil is sandy clay, which limits the amount of runoff that can be accommodated. Drainage will flow to the southeast basin and then through a City storm water pipe. The release from the infiltration basin is gauged to the current volume rate.

Commissioner Proud asked the maximum water load that could drain from this site. Mr. Lockwood stated that a hydrologic analysis has been done. A 6-inch pipe for a 100 year event is the standard and will be used. Commissioner Proud stated that the standard dates back to the 1960s, and he does not believe it will work.

Commissioner Thompson asked for more information about the event in 2011 that flooded the area. Mr. Warwick stated that about 6 inches of rain fell in a 2-hour period. The system is built

to handle 6 inches of rain in a 24-hour period. Ms. Nordine added that the 2011 event issues were not specific to this site but caused problems throughout the City.

Commissioner Proud requested that a maintenance plan be in place when this matter is considered by the City Council. Mr. Lockwood stated that there will be a maintenance agreement with the City.

Commissioner McCool asked about hazardous materials draining into the system. Mr. Lockwood stated that the underground system has sumps to prevent polluting materials from moving through the system.

Chair Solomonson opened the discussion to public comment.

Ms Joan Hendrickson, 3519 Cohansey Street, stated that her house was flooded last year. It was the third time it happened. Her concern is that the expanded parking lot will mean more water draining toward their property. There were ruts in her yard. Even after new sod last year, the yard is rutted. Every time it rains because water backs up through the drains. Water comes on three sides of her house. She also gets water from the top of the hill. She does not believe this proposal will address her situation.

Ms. Mary Fensky, 3515 Cohansey Street, stated that the northwest corner of her property touches the southeast corner of the TSI property. She also has flooding concerns. There is a pipe that runs to the holding pond that is being ignored. At present, the holding pond is clogged with so much debris that it is hard to see water. The pipe cannot handle a big storm, and the roof runoff is directed to this holding pond. One event had 5 feet of water running between her property and the Hendricksons. There was a geyser of water shooting out a manhole at least 10 feet in the air on Cohansey. The pond was not expanded until she and her husband threatened a lawsuit. The expansion is not enough because it flooded again in 2011. The problem is not solved and even with an underground basin, the same pipe that has overflowed in the past is not being addressed. An independent engineer is needed to look at these issues. The 100-year benchmark has happened three times since she has lived in her house. Storms have intensified over the last 10 years. Allowing a variance will ignore the minimal standards still being used that date from the 1960s. She showed Commissioners a photograph of the pond that has debris and 4 trees growing in it. She would suggest that further review of this plan be done to find out what data the information presented is relying on. She suggested an escrow account for TSI for potential flooding of homes. She suggested another holding pond on the other side of the property that would drain through a different pipe in a different direction.

Mr. Paul Girard, TSI, stated that water from the apartments flows across TSI property. TSI and the City of Shoreview spent money to improve the holding pond on the southeast corner of the property. The plan for the infiltration chamber will slow the rate of water flow. The chamber will be made with porous material. The parking lot will be graded for runoff to flow to the infiltration chamber. Steps have been taken to reduce water flow. The pond is designed with vegetation to slow the water flow.

Commissioner McCool asked where the reduction of rate and volume is being measured, as the problems seem to come from the pipe capacity, not the pond. Mr. Lockwood stated that flows are being reduced at all discharge points in all directions. The rate is decreased but not the volume, which is being increased.

Commissioner McCool noted the EQC suggestion to oversize the infiltration chamber. Mr. Lockwood stated that the system would have to increase 40% if all drainage were to go through the infiltration system.

Commissioner Proud asked if an outlet to the north was considered. Mr. Lockwood answered; that the wooded area north would severely limit drainage to the north.

Commissioner Ferrington stated that she wants the project to move forward, but more creative solutions are needed. She suggested that temporary parking might be provided on the vacant parcel owned by TSI.

Commissioner Proud agreed and added that he does not want to see this project hurt the neighbors. He asked if the parking lot approval could be deferred to the time the building expansion is proposed because more studies need to be done. He feels pressured to approve but is not confident in the calculations. Mr. Girard explained that the staging is based on weather. With the excavation needed for the infiltration system, the contractor has given a work time frame of mid-September to mid-November. He added that there is not enough parking currently. Parking is occurring in drive aisles. With winter and snow removal, the parking spaces will be needed. In order for the grading to be correct for drainage, 36 parking spaces will be lost immediately upon the beginning of construction.

Ms. Fensky stated that there is not enough specificity. The existing rate benchmark is not good enough. It is faulty and needs to be examined. She understands the need for TSI to expand, but she is also concerned about property values and residents' ongoing fear of flooding. Neighbors want independent assurance from engineers that the storm water management is going to work.

Commissioner Wenner stated that he does not have enough information to vote on this proposal. TSI is a great corporate citizen, but individual property owners are experiencing water, which is coming from somewhere and must be addressed.

Chair Solomonson stated that the professional engineers are dependent on the standard practices. He asked what liability there would be to the City or TSI, if flooding occurs. City Attorney Filla stated that there is a potential problem if the system cannot be served by the City's sewer system. Ms. Nordine stated that the Public Works Director and City Engineer looked at the City's storm water pipe on the south side and determined that it is sufficient for this project and that there will be a reduction in rate.

Commissioner McCool stated that he is sympathetic to the neighbors' problems, but it is not fair to ask the applicant to second guess beyond the standards that have been met as per the Code. His main concern is that money will be wasted on the proposed parking lot without approval of

the requested building expansion that will exceed the City's maximum of 80% impervious surface.

Commissioner Proud agreed that the parking lot should be considered at the same time as the building expansion. In the face of the failure of the system three times, a higher standard is needed. The fact that the proposed system is adequate to the current standard is not suitable because it is 51-year-old data. He is not certain that is the standard that should be used. Staff needs to confirm that the standards are sufficient and that the system will handle the capacity of water. He would like to see the matter tabled this matter until the next regularly scheduled Planning Commission meeting, so that the building and parking lot can be reviewed at the same meeting. If the matter is denied, the Planning Commission would not have another opportunity to review further solutions.

Commissioner Ferrington stated that she does not like the staged plan because the next stage will add water to a system that already has problems. Approving the parking area and then a variance to increase the impervious area is not comfortable scenario, if the water issues have not been adequately addressed. The standard being applied does not address the entire surface area. The problem is not just from TSI but from the hill. She would like to see the whole problem addressed.

Commissioner Schumer stated that both applications should be considered together. But he stated that he is not an engineer. The City engineers have done their due diligence in this matter, but it is a dilemma. He is confident staff will continue to work on all the issues.

Commissioner Thompson asked if the City Engineer had the testimony of neighbors and whether that would change their determination. Ms. Nordine stated that the Public Works Director and City Engineer have met with the neighbors and have first-hand knowledge of the issues raised. In looking at the plan, the proposed drainage system meets City standards and will accommodate the project. She does not believe all the problems presented are from the TSI property.

Ms. Fensky stated that the City Engineer needs to be present to testify and be questioned directly by the Commission and neighbors.

Mr. Coyle stated that there will be another chance to revisit these issues in the next application. He requested that the project move forward with a vote. He assured the Commission that TSI will continue to work to resolve the issues presented.

Chair Solomonson stated that the infiltration basin will make the system work better. He depends on the engineer's analysis. The infiltration basin is pervious surface, and the building application may drop to 80% or less. He stated that he supports staff's analysis.

MOTION: by Commissioner Schumer, seconded by Commissioner McCool, to recommend the City Council approve the Site and Building Plan request submitted for TSI, Incorporated, 500 Cardigan Road for the first phase of a two-phased project. Approval is granted for the expansion of the parking lot and associated improvements. Said approval is subject to the following:

1. The site shall be developed in accordance with the plans submitted. Minor modifications may be made to the plans, subject to approval by the City Planner. Significant changes to the plans require review and approval through the Site and Building Plan review process.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director. Items identified in the attached memo from the Assistant City Engineer shall be satisfied prior to the issuance of a building permit for the parking lot expansion.
3. Revisions to the tree preservation and landscape plans shall be made in accordance with the attached memo from the Environmental Officer prior to the issuance of a building permit for this project.
4. Lighting on site shall comply with Section 204.030, Glare, of the Development Code. Details of the proposed pole, pole height and light fixture shall be submitted to the staff prior to the issuance of a building permit. .
5. The applicant shall enter into a Site Development Agreement prior to the issuance of any building permits for this project.
6. The Building Official is authorized to issue a building permit for the project.

Discussion:

Commissioner Proud asked if Commissioners Schumer and McCool would lay aside this motion in order for him to move to table this matter. Commissioners Schumer and McCool withdrew the motion.

MOTION: by Commissioner Proud to table this matter to the next regularly scheduled Planning Commission meeting.

The motion died for lack of a second.

MOTION: by Commissioner Schumer, seconded by Commissioner McCool to recommend the City Council approve the Site and Building Plan request submitted for TSI, Incorporated, 500 Cardigan Road for the first phase of a two-phased project. Approval is granted for the expansion of the parking lot and associated improvements. Said approval is subject to the following:

1. The site shall be developed in accordance with the plans submitted. Minor modifications may be made to the plans, subject to approval by the City Planner. Significant changes to the plans require review and approval through the Site and Building Plan review process.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director. Items identified in the attached memo from the Assistant City Engineer shall be satisfied prior to the issuance of a building permit for the parking lot expansion.
3. Revisions to the tree preservation and landscape plans shall be made in accordance with the attached memo from the Environmental Officer prior to the issuance of a building permit for this project.
4. Lighting on site shall comply with Section 204.030, Glare, of the Development Code. Details of the proposed pole, pole height and light fixture shall be submitted to the staff prior to the issuance of a building permit. .
5. The applicant shall enter into a Site Development Agreement prior to the issuance of any building permits for this project.

6. The Building Official is authorized to issue a building permit for the project.

ROLL CALL: Ayes: 3 (McCool, Schumer, Solomonson)

Nays: 4 (Ferrington, Proud, Thompson, Wenner)

MOTION: by Commissioner Proud, seconded by Commissioner Ferrington to deny the motion based on the testimony of the community.

ROLL CALL: Ayes: 4 (Ferrington, Proud, Thompson, Wenner)

Nays: 3 (McCool, Schumer, Solomonson)

Chair Solomonson called a five-minute break and then reconvened the meeting.

FINDING OF CONFORMANCE TO GENERAL PLANS OF CITY FOR PROPOSED TIF DISTRICT NO. 9-TSI, INCORPORATED EXPANSION PROJECT

Presentation by City Planner Kathleen Nordine

State law requires the Planning Commission to find creation of a tax increment finance district in compliance with the City's Comprehensive Plan. The proposed TIF District will support eligible costs associated with the building addition and parking lot expansion. This project qualifies as a 9-year Economic Development TIF District. The use conforms with industrial land use and the zoning designation. The plan supports the City's goal to retain and provide expansion opportunities for existing businesses. Such expansion will provide livable wage jobs, maintain the tax base to generate revenue and support the economic vitality of the City. The City Council and Economic Development Authority have given preliminary approval for the new TIF District.

Statutes require that the Planning Commission find that the new TIF District conforms to the City's Comprehensive Plan. Staff is recommending approval.

Commissioner McCool noted that TIF will be used for site improvements and storm water, but not for building improvements. Ms. Nordine stated that is correct. TIF is being used for storm water management, but it will only be marginal improvements. One of the requirements in the Comprehensive Plan is improvement of storm water management. He questioned the use of TIF for this plan. He noted the listed \$1,980,000 eligible costs. He asked what other items are included for TIF financing.

Mr. Coyle stated that the use of TIF financing can only be used for eligible items.

Mr. Girard explained that originally the company requested a 15-year TIF District that would have allowed renovation of the existing building. However, inspections have shown the building to be in too good a shape to qualify. The project only qualifies for a 9-year TIF District for site improvements, which allows for footings, site preparation, storm water management and the parking lot.

Commissioner Ferrington noted that \$300,000 was quoted for the infiltration system. She asked if the system could be expanded with added TIF dollars. Mr. Girard stated that TIF financing is part of the overall budget, and he cannot answer whether more TIF dollars can be used for the drainage system.

MOTION: by Commissioner Proud, seconded by Commissioner Wenner to adopt Resolution No. 12-74, finding that the modification to Development District No. 2 and Tax Increment Financing Plan for the proposed creation of Tax Increment Financing District No. 9 (an Economic Development District) for the expansion project by TSI, Incorporated conform to the general development and redevelopment plans of the City.

VOTE: Ayes - 6 Nays - 1 (McCool)

COMPREHENSIVE SIGN PLAN

File No: 2456-12-19
Applicant: TCF Bank
Location: 3836 Lexington Ave North

Presentation by Senior Planner Rob Warwick

The existing Sinclair site will be removed and rebuilt by TCF Bank. The proposed sign plan for the site includes: 1) three wall signs, 2) a pylon sign with an integrated message center, 3) two illuminated window signs will display “Open” and 4) traffic direction signs.

Wall signs will be on the north, east and west sides of the building. The wall signs are small, 3% to 4% of each wall elevation area. Code limits the number of wall signs to one, unless the property has frontage on more than one arterial street. The only arterial street is Lexington Avenue. On the northwest corner of the site, TCF has granted an easement for a gateway monument sign for the commercial area at Lexington and Red Fox Road. The TCF Bank pylon sign is proposed southwest of the bank building with a 20 feet height, and an area of 30 square feet that includes a 10-square foot messenger center sign. The messenger center will give time and temperature and other information. Nine traffic directional signs on the site relate to traffic flow. The Public Works Director has reviewed the plan and commented that directional signs be kept out of the road right-of-way because of future road improvements.

The following criteria for reviewing a sign plan should be considered: Location, materials, size, color and illumination. Staff recommends approval of the proposed plan since the plan is consistent with the City’s review criteria. Uniform colors and materials are used. The message center sign is reasonable for this property. In regard to the wall signs, staff finds there is practical difficulty because of the access restrictions to the site. The signs proposed conform to City sign standards.

Property owners within 350 feet were notified of the sign plan. No comments were received.

Commissioner Proud noted that the sign size for the illuminated “Open” and “Closed” sign is 10 inches by 5 feet and asked what else is included in the sign. Mr. Warwick stated that originally the words, “western union” were going to be used, but they have been dropped.

Mr. Mike Kraft, HGT. Architects, stated that the illuminated wall sign will only say, “Open.” It measures approximately 1 foot by 2 feet.

Chair Solomonson asked if there will be additional directional signs on the site. **Mr. Kraft** stated that there will be additional directional signs at the drive-through.

Chair Solomonson noted that although message center signs are not permitted in the City, staff has restricted use to 1 color, 10 seconds, and these signs will not be flashing.

Commissioner McCool asked the meaning of condition No. 2 in the motion, which requires that messages be limited to allow passing motorists to read the entire copy. Mr. Warwick explained that the message must be displayed in its entirety and that it be short enough to be read.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson, to recommend the City Council approve the Comprehensive Sign Plan submitted by TCF Bank for 3836 Lexington Avenue, subject to the following conditions:

- A. The signs shall comply with the plans submitted for the Comprehensive Sign Plan application. Any significant change will require review by the Planning Commission and City Council.
- B. The applicant shall obtain a sign permit prior to the installation of any signs on the property.
- C. The message center sign shall:
 - 1. Display text using a single color font, and letter height sufficient to be readable by passing motorists without distraction.
 - 2. Messages shall be limited to allow passing motorists to read the entire copy.
 - 3. No graphics shall be displayed on the message center.
 - 4. Messages shall be displayed for a minimum of 10 seconds, and shall change instantaneously.
 - 5. Messages be presented in a static display, and shall not scroll, flash, blink or fade.
- D. Traffic Directional signs shall not be located in the public street right-of-way without the authorization of the appropriate jurisdictional agency.

This approval is based on the following findings of fact:

1. *The plan proposes signs consistent in color, size and materials throughout the site for each type of proposed sign.* Each type of sign (Wall, Traffic Directional, etc.) uses uniform color and materials, and with colors generally based on the TCF logo.
2. *Approving the deviation is necessary to relieve a practical difficulty existing on the property.* The business needs visibility from each elevation facing an access point and that the proposed signs provide that needed visibility. Staff believes that lot access presents a practical difficulty that warrants additional business identification. The corner location at the intersection of Lexington (an arterial) and Red Fox Road (a local street) also contributes to the practical difficulty since Red Fox is the main road for this retail area, but is classified as a local road.
3. *The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.* The wall signs proposed give a uniform appearance to each building elevation facing a vehicular access point. Message center signs are not uncommon at bank facilities. Use of the message center is reasonable and consistent with previous City decisions regarding message center signs.
4. *Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.* The configuration of the access to the lot and building is unique for this property with two points of ingress that are right turn only, and only one point of egress. The three wall signs have a total area of approximately 64 sq. ft. with each wall sign comprising about 3% of the wall elevation area to which the signs are affixed, less than the 10% permitted by Code.
5. *The resulting sign plan is effective, functional, attractive and compatible with community standards.* The sign plan proposes signs with design and sign areas that generally conform to the provisions of Code.

VOTE: Ayes - 7 Nays - 0

VARIANCE/SITE AND BUILDING PLAN REVIEW

File No: **2457-12-20**
Applicant: **PaR/Mission Construction**
Location: **655 County Road E.**

Presentation by City Planner Kathleen Nordine

PaR Systems owns the properties at 707 and at 655 County Road E having purchased the parcel at 655 from the City in 2008. Between the two parcels is a private drive access to the Deluxe property to the north. Previous Development Agreements that were executed require PaR to obtain a PUD and develop a master plan for the properties when major improvements are proposed. PaR has indicated that there is an urgent need to expand. Therefore, proposed improvements are submitted through the Site and Building Plan review and variance processes. A condition of approval is that a PUD be proposed in the near future.

The proposal is to construct a new 45,760 square foot manufacturing warehouse and office building. The variance request is to reduce the required front setback for an expanded parking

area. Currently there is an 18,000 square foot office building and an off-street parking lot. A new access drive is proposed off County Road E. Storm water management improvements are included. The proposed use is consistent with the current zoning of BP, Business Park. The variance requested for the expanded parking area is a reduction of the front setback from 20 feet to 6.2 feet.

The exterior building materials are similar to the building at 707 County Road E. Staff has requested that brick be added to tie in with the existing office building. The building height of 66 feet exceeds the maximum 35 feet permitted. The City allows an exception if the height does not exceed firefighting capability, and if an additional 1 foot of setback is provided for every additional foot of height over 35 feet. The Lake Johanna Fire Department has indicated that the firefighting capability is not an issue. The proposed building complies with the setback requirements for the added height.

Code requires a minimum of 230 parking stalls. PaR has proposed 157 parking stalls. The applicant states that the parking proposed more than meets their demand. Proof of parking for 36 additional stalls is shown. Staff's concern is how parking would be provided for a new user should the site ever be vacated. The existing parking lot encroaches into the 20-foot setback. Because the County Road E right-of-way varies, the expanded parking will encroach into the front setback, and a variance is needed.

There are two wetlands on the property, which will require wetland delineations. The proposed access drive off County Road E on the east side of the property will encroach into the 16.5 foot buffer for the wetland.

A tree inventory and landscape plan was submitted but was incomplete. A revised plan was recently submitted, but staff has not had an opportunity to review it. One issue is the number of landmark trees on the property, which has been resolved. Staff is also looking for a plan for overall landscaping of the entire site. This information was recently provided, but staff has not had an opportunity to review it.

The eastern and northern portion of the property will be graded for the development. A storm water pond is proposed, but calculations have not yet been provided for review. Storm water would flow north to the proposed pond. Pond overflow would flow into the City's storm water system.

With regard to the variance, staff believes there is practical difficulty with the varying right-of-way width of County Road E. The existing setback of the western parking lot encroaches into the 20-foot front setback. Also, other nearby parking lots on County Road E do not meet the setback requirements.

The Environmental Quality Committee (EQC) reviewed the proposal but found it to be incomplete. No recommendation was made. The EQC did suggest integrating a sustainable green design on the site.

Property owners within 350 feet were notified of the proposal. No comments were received.

Although incomplete, this proposal was scheduled for this meeting because of PaR's urgent time schedule and to keep the application moving forward. PaR has requested that the plan be presented to the City Council at their September 17th meeting. The two options for the Planning Commission are: 1) table the application and hold a special meeting before September 17th; and 2) Recommend approval on condition of submittal of the required information listed in the motion sheet and approve the variance.

Commissioner Ferrington asked the impervious surface coverage. Ms. Nordine stated that she does not have an exact ratio but believes the proposal falls within the allowed 75%.

Commissioner McCool asked how a PUD can be implemented after the site is improved. Ms. Nordine stated that staff hopes to address parking and storm water issues between the two parcels with a PUD when further improvements are proposed. Commissioner McCool noted the concerns of Ramsey County about the proposed third access.

Mr. Garry Mannor, Mission Construction, stated that PaR's preference is to keep three access points. He plans to talk to the County directly and if necessary, one will be removed. A professional landscaping plan in addition to what has been submitted will be completed within the next two weeks. Truck traffic will be moved to the new building, which will allow for added parking if needed. The owners prefer not to build parking that is not needed but keep green space.

Commissioner McCool asked for further clarification on the number of parking spaces. Mr. Madden stated that the Code requires 230 for the property at 655 County Road E. All parking requirements have been met at the 707 site. The site at 655 has proof of parking for 190 spaces; 157 are proposed to be put in. PaR does not anticipate using 157.

Mr. Mannor added that the storm water plan is also being submitted this week. Work is being done fast in order to provide PaR with the building needed by January 31, 2013. If equipment can be in place and working on September 18, workers will be working overtime to complete the project by January 31st.

Commissioner Ferrington stated that there is a lot of missing information and asked how long it would take to present a complete application. Mr. Madden stated that the wetland delineation will take one to two weeks.

Commissioner Proud stated that he is willing to approve an incomplete proposal with conditions because PaR Systems is a company that can be trusted. He is confident PaR will provide all the information needed for the City Council's review.

Chair Solomonson agreed with Commissioner Proud.

Commissioner McCool stated he would like to have a special meeting in time for the proposal to go to the September 17th Council meeting, when more information will be available. That would not interrupt the fast track for the project.

Chair Solomonson called a five-minute recess for the technician to load a second DVD for continuation of the meeting, then reconvened the meeting.

Commissioner Ferrington stated that the application is too incomplete. It is the Commission's job to vet the application, even though the Council is capable of doing that. More information is needed before she can support it.

Commissioner Schumer stated that he is willing to approve the motion with listed conditions. PaR is an excellent company in the community and will provide all the information needed for the City Council meeting.

Commissioner Wenner stated that while there are some areas that can be done by staff administrative review, the items that are incomplete are ones that the Commission is specifically charged to review. He would like to have a special meeting to consider all the information on the proposal.

Commissioner Thompson agreed that there is not enough information for her to make a recommendation.

MOTION: by Commissioner McCool, seconded by Commissioner Ferrington to table the variance and site and building plan applications, submitted by Mission Construction on behalf of PaR Systems, to a special Planning Commission meeting on September 11, 2012, at 7:00 p.m. Tabling the applications will allow the applicant the additional time needed to provide the following information:

1. A parking management plan shall be submitted to the City addressing: the existing and future parking needs for the property (655 County Road E), including but not limited to: the maximum number of employees working on site, hours of operation, employee shifts, the potential for shared parking with 707 County Road E, proof of parking.
2. Shared parking may be permitted provided information regarding the existing and future parking needs for the 707 building is provided to the City for review. A shared parking and maintenance agreement will be required between the two sites.
3. Submittal of a stormwater management plan, including stormwater calculations, that complies with the City's Surface Water Management Plan and stormwater regulations and policies.
4. Submittal of a wetland delineation by a qualified wetland specialist.
5. County review and approval for the proposed new entry drive onto County Road E.
6. Submittal of a tree preservation and replacement plan for the entire property identifying vegetation/trees to be removed and replaced in accordance with Section 209.050, Vegetation and Woodlands
7. Submittal of a landscape plan for the entire property showing existing landscaping and proposed plant materials including specific plant and tree species, sizes, number and locations. Said plan shall address the City's requirements for landscape islands.

8. Calculation of impervious surface coverage for the existing and proposed site conditions.
9. All other reasonable information requested by staff as staff continues to review the application.

VOTE: Ayes - 5 Nays - 2 (Proud, Schumer)

PUBLIC HEARING – TEXT AMENDMENT – VEHICLE SALES

File No: 2454-12-17
Applicant: City of Shoreview
Location: City Wide

Presentation by City Planner Kathleen Nordine

The City is seeking a Text Amendment to prohibit vehicle sales in commercial districts. In the Development Code for C2, General Commercial Districts, vehicle and equipment sales are permitted under a Conditional Use Permit. Actions needed are to add Section 203.035, Prohibited Uses, which would stipulate prohibition of sales of vehicles and equipment. Section 205.040 (B)(9) would be deleted, as it refers to uses not specified and is repetitive of existing language in Section 205.030. Section 205.043 (C) (2) that addresses vehicle and equipment sales would be deleted.

A phone call was received from Ed Schenk, owner of C & E Hardware, expressed concern about this amendment because he does rent out equipment, such as industrial cleaners and lawn mowers. He requested that equipment sales and rental be better defined. Staff is concerned about heavy equipment

Staff recommends approval for the text amendment to be forwarded to the City Council., or to table this request to add language that would better define vehicle/equipment sales and rental.

Ms. Nordine verified that proper notice was published for the public hearing.

Chair Solomonson opened the public hearing.

Commissioner McCool suggested that further consideration be given to giving more strength to what is required to obtain a Conditional Use Permit.

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to continue the public hearing and table this matter until the next regularly scheduled Planning Commission meeting.

VOTE: Ayes - 7 Nays – 0

MISCELLANEOUS

City Council Meeting Assignments

Commissioners Thompson and McCool will respectively attend the September 4th, 2012 and September 17th, 2012 City Council meetings.

Workshop

The Planning Commission held a workshop meeting at 6:00 pm. immediately before this regular meeting.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to adjourn the regular Planning Commission Meeting of August 28, 2012, at 11:10 p.m.

VOTE: Ayes - 7 Nays - 0